## REMARKS

As a preliminary matter, Applicants note that they incorrectly marked Claims 2-20 and 22-26 as "Previously Presented" in their first Office Action response filed on January 28, 2008, even though those claims had been present in the original application. In the Listing of Claims above, each of those claims is now marked as "Original."

### 35 U.S.C. § 103 Rejection

In the final Office Action, claims 1-26 are rejected under 35 U.S.C. § 103(a) as being obvious based on U.S. Patent No. 6,511,377 ("Weiss") in view of U.S. Patent No. 5,655,961 ("Acres"). Applicants respectfully disagree with the Examiner, and traverse the rejections regarding claims 1-26.

The method of each of independent claims 1 and 21 of the present application relates to the tracking of a player's gaming activity during a virtual session at a gaming machine. Each claim requires a method that establishes a player account associated with at least one player, collects and transmits first activity data from a regular gaming session for that player, and collects and transmits second activity data from a virtual gaming session for that player. Claim 1 and claim 21 each also require storing, in that same player account, information from both the regular and the virtual gaming sessions, where the stored information is based on the transmitted first and second activity data, respectively. Even in combination, the Weiss and Acres patents fail to teach or suggest such a method.

According to the specification of the present application, "[a] regular gaming session of an individual player is a period of time which begins with the insertion of the player's player card at a single gaming machine (or gaming table or gaming area), and ends with the removal of

the player's player card at that single gaming machine (or that gaming table or gaming area)." ¶ 57 (Applicants note, however, that paragraph 29 lists examples of player identification means, other than use of a player card, that are likewise within the scope of at least claim 21). The regular gaming session thus corresponds to the entire time that the player card is inserted in the gaming machine.

The specification then describes two types of virtual gaming sessions: "a first type of virtual gaming session of an individual player is a period of time which begins after completion of the regular gaming session of the individual player[,]" while "[a] second type of virtual gaming session may occur before player card insertion where the player has inserted value, coins for example, into the gaming machine." ¶ 60. Claims 1 and 21 expressly require that the virtual gaming sessions of a player do not overlap with the regular gaming sessions of that player. Because the regular gaming session corresponds to the entire time that a player's card is inserted into the gaming machine, a player's virtual gaming session cannot exist while that player's card is inserted.

In light of the above definitions of a player's "regular gaming session" and "virtual gaming session," the Weiss reference fails to disclose the claimed invention, even when combined with the Acres reference. The Weiss reference describes a real-time cashless gaming system for operating gaming machines with player cards by downloading funds from a pre-established account and crediting/debiting the account based on game play during a regular gaming session. The Acres reference describes a method and apparatus for controlling gaming devices interconnected by a computer network. Neither the Weiss nor the Acres reference discloses any time periods, occurring outside of an individual player's regular gaming session

(i.e., outside of the time that the player's card is inserted in the machine), during which activity data is generated and used as the basis for information that is stored <u>in that same player's account</u>. The failure to disclose this is critical, as it is an object of Applicants' invention to track gaming activity for a player that occurs outside of that <u>same player's</u> regular gaming session. See e.g. ¶¶ 10-12, 60-63.

In stating that the Weiss reference discloses a virtual gaming session, the Examiner relies on Figure 8 and the descriptions at Col. 19, lines 1-21, which together describe both a "time out" period when there is no gaming activity at a gaming machine, and the operation of the gaming system when a player abandons his or her card and/or credits at a gaming machine.

Regarding the time out period, Weiss states: "If there is no activity on the gaming machine $G_N$, the system 10 will detect a time out signal and automatically transfer credits on the gaming machine to the player's account." Col. 19, lines 2-5. This time out period does not constitute a virtual gaming session, because it appears to occur <u>during</u> a regular gaming session (i.e. at a time when the player card is still inserted). Although Weiss does not expressly state whether the time out period occurs before, during, or after the time that the player card is inserted, reading the above quote in the context of the entire Weiss specification strongly suggests that the time out period occurs while the card is still inserted. This is because the entire Weiss specification—except for a single sentence at Col. 19, lines 19-21 (describing a different situation, discussed below)—relates only to gaming system operation while a player's card is inserted. The time out period of Weiss therefore represents a mechanism for transferring remaining credits to a player account <u>during a regular gaming session</u> (i.e. transferring credits to a player account when the player has left his or her card inserted in a gaming machine but has

stopped playing for the duration of the time out period), and thus does not constitute a virtual gaming session outside of the regular gaming session.

Even if the time out period of Weiss were construed as applying after a regular gaming session has ended (i.e. after the player card is removed), it would still fail to teach or even suggest the limitations of claims 1 or 21. Whereas claims 1 and 21 of the present application each require that activity data be collected during the virtual gaming session and stored in the player account, Weiss only states that the system detects a time out signal "[i]f there is no activity on the gaming machine." Col. 19, lines 2-5 (emphasis added). As the Examiner recognizes, Weiss therefore fails to disclose collecting and transmitting activity data during the time out period.

The Examiner states that it would nonetheless be obvious to collect and transmit activity data during this time, because Acres discloses that it is "advantageous to record all gaming transactions occurring on a gaming machine." Applicants respectfully disagree. First, insofar as the time out period of Weiss is concerned, Weiss actually teaches away from collecting or transmitting activity data. Contrary to the Examiner's assertion that "Weiss is silent regarding the collection of data" after a player removes his or her card without transferring credits, Weiss unequivocally states that the time out period occurs "[i]f there is no activity on the gaming machine." Thus, Weiss affirmatively represents that no activity data is collected or transmitted during the time out period, because no gaming activity is even taking place. As a result, a person of ordinary skill in the art would not have found it obvious to collect and transmit activity data during the time out period.

Second, the extremely general teaching of Acres that it is "advantageous to record all

gaming transactions" in no way discloses that any activity data collected and transmitted should

be used to store information in the <u>same player account</u> that was associated with the regular

gaming session. Even in combination, therefore, Weiss and Acres fail to include the presently

claimed limitation of storing information in the same player account in which regular gaming

session information is stored. As noted above, this missing limitation is an important object of

the presently claimed invention.

Regarding abandonment of player cards and/or credits at a gaming machine, Weiss states:

> Referring to FIG. 8, when a player's card is left in the card reader 82 and
> no credits are on the machine $G_N$ the card has no independent value without the
> associated PIN number. If a player's card is left in the machine $G_N$ and there are
> credits on the credit meter 88, the player is preferably prompted to input his PIN
> in order to transfer the credits to the account. If another player attempts to play
> the machine $G_N$, the credits will be available for play, just as if the player had left
> non-account wagering system credits on the machine. However, not all account
> wagering system credits will be available for cashing out by the player.
> In addition, if the player removes his player card without transferring
> credits to his account, the credits are subject to play independent of the player
> card.

Col. 19, lines 8-21. The first paragraph above describes a situation in which the player leaves his

or her card in the gaming machine. This cannot correspond to a virtual gaming session because,

as described above in this response, the entire time that the card is in the gaming machine

constitutes a regular gaming session, and a virtual gaming session of a player cannot coincide

with or overlap the regular gaming session.

The second paragraph above describes a situation in which the player removes his or her

card (thus ending the regular gaming session), but fails to transfer his or her credits to his or her

player account. Weiss states that the left-over credits "are subject to play independent of the

player card." Col. 19, lines 20-21. Weiss neither discloses nor suggests that subsequent game

play using the left-over credits is tracked by the gaming system, or that activity data based on

that subsequent game play is collected and transmitted to the central authority. And even in

combination with Acres, Weiss fails to disclose storing any information, based on that activity

data, in the player account of the player that had just removed his or her card. Once again, the

failure to disclose this is critical, as it is an object of Applicants' invention to track gaming

activity for a player that occurs outside of that same player's regular gaming session. See e.g. ¶¶

10-12, 60-63.

Moreover, Figure 8 shows that both the "left-over credit" and "abandoned card"

scenarios of Weiss result in the same situation of having "play independent of [the player] card."

The text of Weiss elaborates on the "independent" play condition at Col. 19, lines 14-16, where

it states that, "[i]f another player attempts to play the machine $G_N$, the credits will be available

for play, just as if the player had left non-account wagering system credits on the machine."

(Emphasis added). This teaches away from the idea of a virtual gaming session subsequent to a

player's regular gaming session, where game activity in the virtual session is tracked and stored

in that same player's account.

The Examiner also states that the Weiss reference, at Col. 13, lines 60-67, discloses a

virtual gaming session that precedes the regular gaming session. While the Examiner only

makes this argument for purposes of rejecting dependent claim 5, Applicants address the

Examiner's argument because it could potentially be used to provide an alternate basis for

rejecting independent claims 1 and 21.

Col. 13, lines 60-67, describes a player depositing funds to an electronic account by

inserting coins or bills into a gaming machine, and refers to Figure 7. However, the insertion of

bills or coins occurs during the regular gaming session, and not during a virtual gaming session. Figures 5-8 of Weiss represent a single flow chart, as indicated by the connecting letter references at the top and/or bottom of each figure. The step of applying coins or bills into the gaming machine in Figure 7 is preceded by the step of inserting a player card, as shown in Figure 6. Moreover, the player card is not yet removed at the time that the coins or bills are added, as removal of the card does not occur until the steps portrayed in Figure 8. Because the step of inserting bills or coins occurs while the player card is inserted, it necessarily occurs during the regular gaming session, and therefore cannot constitute a virtual gaming session that precedes the regular gaming session.

Thus, independent claims 1 and 21 and dependent claim 5 are allowable over the Weiss and Acres references. Claims 2-4, 6-20 and 22-26 are dependent from claim 1 or 21, and are thus allowable over Weiss and Acres at least for the same reason as for claim 1 or 21.

## CONCLUSION

In view of the remarks above, reconsideration of this application is respectfully requested. Claims 1-26 are allowable over the art of record, and a Notice of Allowance is respectfully solicited.

If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited and encouraged to contact the Applicants at the number below.

Although no fees are believed to be due at this time, the Commissioner is authorized to charge any necessary fees (or credit any overpayment) to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,
**MCANDREWS, HELD & MALLOY, LTD.**


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